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ATTORNEY DOCKET NO. FIRST NAMED INVENTOR CONFIRMATION NO. FILING DATE APPLICATION NO. 10/526,523 03/01/2005 Chung-Kuan Cheng 0321.67590 5310 **EXAMINER** 24978 7590 07/27/2006 **GREER, BURNS & CRAIN** NGUYEN, THINH T 300 S WACKER DR ART UNIT PAPER NUMBER 25TH FLOOR CHICAGO, IL 60606 2818

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Office Action Summary		10/526,523	CHENG ET AL.	
		Examiner	Art Unit	
		Thinh T. Nguyen	2818	
	The MAILING DATE of this communication app			
Period for Reply				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).				
Status				
1) 又	☑ Responsive to communication(s) filed on <u>01 March 2005</u> .			
•	This action is FINAL . 2b)⊠ This action is non-final.			
3)	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is			
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims				
4)⊠ Claim(s) <u>1-23</u> is/are pending in the application.				
	4a) Of the above claim(s) is/are withdrawn from consideration.			
5)	5) Claim(s) is/are allowed.			
6)	6) Claim(s) is/are rejected.			
7)	7) Claim(s) is/are objected to.			
8) Claim(s) <u>1-23</u> are subject to restriction and/or election requirement.				
Application Papers				
9) The specification is objected to by the Examiner.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).				
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:				
1. Certified copies of the priority documents have been received.				
2. Certified copies of the priority documents have been received in Application No				
3. Copies of the certified copies of the priority documents have been received in this National Stage				
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.				
See the attached detailed Office action for a list of the certified copies not received.				
	-		-	
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date			ate	
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:				

DETAILED OFFICE ACTION

Election/Restrictions

Claims 1-23 are pending in this application.

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- Group I. Claims 1-10, 16-23 drawn to a semiconductor device, classified in class 257, subclass 401.
- Group II. Claims 11-15, drawn to process of making a semiconductor device, classified in class 716, and subclass 008.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of following can be shown: (1) that the process as claimed can be use to make other and materially different product or (2) that the product as claimed can be made by another and materially different process or by hand (MPEP § 806.05(f)). In the instance case unpatentabilities of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by the processes materially different from those of the group II invention, for example, in the claim 11 a method for making the device of claim 1, wherein this method can be used for pentagonal cells that is a materially different device of claim 1 a device with hexagonal cells.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the fields of search are not coextensive. Therefore, separate examination would be required and restriction for examination purposes as indicated is proper.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the 4.

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a diligently filed petition under 37 CFR 1.48(b)

and by the fee required under 37 CFR 1.17(h).

5. Any inquiry concerning this communication on earlier communications from the

examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The

examiner can normally be reached on Monday-Friday from 9:30 AM to 6:30 PM. The

examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The-fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval [PAIR] system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thinh T Nguyen

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